

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA * *

VS. PLAINTIFF, * CV-05-1086-DHB
* *

EIGHTY THOUSAND SIX HUNDRED
THIRTY-THRREE DOLLARS *
(\$80,633.00) IN UNITED STATES CURRENCY;
FOUR THOUSAND EIGHT HUNDRED *
SEVENTY-EIGHT DOLLARS (\$4,878.00)
IN UNITED STATES CURRENCY; AND*
THIRTY-SIX THOUSAND
FIVE HUNDRED DOLLARS (\$36,500) IN *
UNITED STATES CURRENCY

* DEFENDANTS.

MOTION TO DISMISS MOTION FOR RETURN OF SEIZED MONEY

Come now the claimants of the defendant U.S. currency, Michael Coleman and Jacquard Merritt, and hereby move this Honorable Court to dismiss the portion of their Answer designated as the Motion for Return of Seized Money. As grounds for such motion, the claimants submit the following:

Claimants Michael Coleman and Jacquard Merritt filed an Answer (Doc. # 8), to the above styled action. In that answer the claimants also filed a Motion for Return of Seized Money. Claimants now move this court to dismiss the Motion for Return of Seized Money portion of their Answer as moot, as the forfeiture action against the defendant currency is properly underway according to statute. Claimants instead, or in

the alternative, defer to the Court's impending scheduling order in which to file the appropriate motions at the appropriate time.

The claimants also move this Court to allow the claimants to resubmit the issues raised in their Motion for Return of Seized Money in a motion to suppress to be filed at the time designated by this Honorable Court.

Respectfully Submitted,

/s/ Joe M. Reed
Joe M. Reed
Attorney for Claimants

Certificate of Service

I hereby certify that the foregoing was filed with the United States District Clerk, Middle District of Alabama who will send electronic notification to the Honorable John Harmon, Assistant United States Attorney, P.O. Box 197, Montgomery, AL 36101.

/s/ Joe M. Reed
Joe M. Reed